

ExxonMobil  
Environmental Services Company

Susan L. Anglin  
Claims and Superfund Advisor

**ExxonMobil**

September 30, 2020

Via Email and UPS Overnight

Ravi Sanga  
Remedial Project Manager  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900, MS ECL-122  
Seattle, WA 98101

Re: Harbor Island Superfund Site, East Waterway Operable Unit  
King County, Washington  
Request for Information and Documents  
Section 104(e) of CERCLA, 42 U.S.C. § 9604(e)

Dear Mr. Sanga,

ExxonMobil Oil Corporation (ExxonMobil), in lieu of Exxon Mobil Coporation, submits this response to the Environmental Protection Agency's Letter Requiring Submission of Information, Harbor Island Superfund Site, East Waterway Operable Unit, King County, Washington (the "Request"), dated March 10, 2020. Thank you for extending the due date for this submittal until September 30, 2020.

In response to the request, ExxonMobil conducted a thorough search of its internal records and found information responsive to the Request. Accordingly, ExxonMobil has prepared this response based upon the information available to it. Additionally, ExxonMobil is willing to provide any additional specific information requested by EPA in compliance with CERCLA to the extent that it is relevant and within its possession. ExxonMobil also reserves the right to supplement this Response should it be made aware of any additional information.

ExxonMobil asserts that based on the information gathered, it does not believe that it's ownership of or former operations at the "Subject Properties" relate in any way to alleged contamination in the East Waterway Operable Unit.

Against that background and without waiving any objections that ExxonMobil may have with regard to this 104(e) request under CERCLA, ExxonMobil responds as follows.

## **RESPONSES**

Subject to the foregoing and to the general objections set forth at the end of this response, ExxonMobil responds as follows:

### **1. Identification and Association with Subject Property**

#### **a. Provide the full legal name and mailing address of Respondent.**

ExxonMobil Oil Corporation  
22777 Springwoods Village Parkway  
Spring, TX 77389  
United States

#### **b. For each person answering these questions on behalf of Respondent, provide that person's:**

- i. full name;**
- ii. title;**
- iii. business address and electronic mail address; and**
- iv. business telephone number**

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Marlon P. Santos  
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22777 Springwoods Village Parkway  
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Spring, TX 77389  
(832) 625-8259 Tel  
marlon.p.santos@exxonmobil.com

**c. If Respondent wishes to designate an individual for receiving future correspondence from the EPA concerning the EWOU, please indicate so here by providing that individual's name, mailing address, electronic mail address, telephone number, and fax number.**

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U.S. Claims & Superfund Advisor  
ExxonMobil Environmental and Property  
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**d. Provide the address of each Subject Property, the time period when Respondent held any ownership or other interest in the Subject Property, and the type of interest held.**

ExxonMobil objects to the term "Subject Property," as defined in the 104e request, as being vague, ambiguous and subject to differing interpretations. Subject to this objection, ExxonMobil has identified three properties that may be responsive as defined below.

Note - General Petroleum purchased Harbor Island properties from Washington Iron Works in 1919. Subsequently Socony Mobil Oil later merged with General Petroleum on or about 1959. The properties were divided in 1967.

Todd Shipyard Terminal – 1801 16th Avenue Southwest Seattle, WA 98134:  
10 acre parcel containing marine fuel portion of property on the west side of Harbor Island and sold to Todd Shipyards (now believed to be Vigor Industrial).

Lubes Plant – 1711 13th Ave. Southwest, Seattle, WA:  
Mobil retains the 1.3 acre central upland Harbor Island parcel. As a result of Mobil selling the Ferndale, WA refinery and withdrawing from light products marketing in the Pacific NW, Mobil leased the lubes facility to predecessors of Ranier Petroleum.

Pier 15 – 1711 13th Ave. Southwest, Seattle, WA:

Since 1947, ExxonMobil entities, Texaco and Shell entities have been parties to joint pier operating agreements pertaining to a 590 linear foot pier. Since 1947, ExxonMobil entities have leased aquatic lands where the pier is located from the State of Washington Department of Natural Resources. Since 1984, ExxonMobil has not operated on its half of the pier and has instead leased to Rainier. Shell entities operate the other half of the pier. Rainier normally operates the West side of the pier, and Shell normally operates the East side of the pier. Further, Shell arranges for maintenance of the pier.

For responsive documents please reference EM000001- EM000078.

**e. Identify all materials used or created by Respondent's activities or operations at each Subject Property.**

ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections the general operations for each subject property is outline below.

Todd Shipyard Terminal- "Up to the 1960's, operations included a gasoline truck loading rack, a garage, a tank farm, and a lube blending plant. These operations were conducted on property contiguous to the present site. That property was sold during the 1960's to Arco, Texaco and Todd Shipyards and Mobil's activities were discontinued." See Mobil Oil Corporation's February 20, 1987 104e response. For operations subsequent to 1960, please refer to Todd Shipyards/ Vigor and/or any 104e responses they may have made in the past.

Lubes Plant – In general, ExxonMobil's historic lube plant operations involved blending and packaging of a range of finished lubricant products.

Pier 15 – refer to the response for 1d above.

For additional responsive documents please reference EM000079- EM000139.

**f. Provide copies of all documents regarding the ownership or environmental conditions of the Subject Property, including, but not limited to, deeds, sales contracts, leases, surveys, investigations, sampling, reports, blueprints, "as-builts," and photographs.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

With respect to historic environmental conditions at or around subject properties please review any publicly available records for any environmental sampling at the Washington Department of Ecology.

For additional reference, please see Deed of Trust October 20, 1967; Agreement Common Driveway and Purchase Option February 5, 1968; 1919 General Pet Deed with Washington Iron Works; 1989 Joint Pier Operating Agreement EM000013- EM000027 (ExxonMobil asserts CBI); EM000231- EM000243 (ExxonMobil asserts CBI); applicable Bargain Sale, Deed and Title reports and any additional reports, blueprints, as-builts and/or relevant photos are included in the exhibits. EM000140- EM000353 (EM000332- EM000353 ExxonMobil asserts CBI); and EM001053- EM001217 (ExxonMobil asserts CBI).

Further, the documents bates numbers EM000509 – EM001052 are also classified as Company Business Information (CBI). ExxonMobil asserts all appropriate safeguards of all listed CBI documents by the EPA.

**g. Provide information on the condition of the Subject Property when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

1. ExxonMobil understands that Harbor Island is man-made and created by dredging of the Lower Duwamish River.
2. ExxonMobil predecessors purchased the Property from Washington Iron Works in 1919.

**h. Describe the activities or operations at each Subject Property including:**

- i. the date such activities or operations commenced and concluded; and**
- ii. the types of activities or operations performed at each Subject Property, including but not limited to the use, storage, or disposal of any materials in an outdoor location.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

The central upland parcel is believed to include a small tank farm consisting of above-ground lube oil tanks, one oil/water separator, a truck loading rack, a small office building, and a pre-engineered warehouse structure. See Mobil Oil Corporation, February 20, 1987, 104e which further states "two 1,000 gallon underground storage tanks used to store gasoline for company trucks were removed from the site in 1986 in the presence of the Seattle fire department. These were originally installed around 1965. At the time of their removal, these two tanks were tested and found to be tight. When they were removed there was no evidence of soil or water contamination. Two other underground tanks installed around 1965 were formerly used to store number 5 or number 6 fuel oil for on-site boiler. These were filled with slurry and abandoned in place about 1982. Personnel recall no leaks from these tanks."

Please refer to question 1.e for general site operations. For additional responsive documents please reference EM000354- EM000404.

**i. Describe each release of materials at or from a Subject Property, including the type and quantity of the materials, the location of the release, the impacted media, and the response.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

ExxonMobil has conducted a diligent search of its records; please reference EM000405-EM000506 for documents. For additional information, please review documents from the US Coast Guard, Todd Shipyards, Rainier, and past 104e submittals from any and all parties.

In 1965, a 6.5 magnitude earthquake hit the Seattle area. The worst of the damage occurred at Harbor Island. Please refer to EM000500-EM000506.

**J. Provide information on past dredging or future planned dredging in the EWOU.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly

broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

EM is not aware of and could not find documents that speak to past or current plans for dredging in the EWOU.

**k. Provide all documents pertaining to the use, storage, or disposal of any hazardous substances, pollutants, or contaminants at the Subject Property.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Under CERCLA Section 101(14), the term "hazardous substance" is defined to exclude petroleum, including crude oil or fractions thereof.

Subject to these objections, ExxonMobil responds below.

ExxonMobil has conducted a diligent search of its records and has not found any records relating to disposal of any hazardous substances, pollutants, or contaminants. Please refer to all prior Harbor Island 104e responses submitted by Mobil Oil Corporation or Todd Shipyard or the subject properties' current operators for uses and storage.

**l. Provide all information on electrical equipment used at the Subject Property, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Further, the term "Subject Property" as defined in the 104e request, is vague, ambiguous and subject to differing interpretations and not limited as to time.

Subject to these objections, ExxonMobil responds below.

ExxonMobil has conducted a diligent search of its records and has not found any records relating to electrical equipment used at the subject properties that may have contained polychlorinated biphenyls (PCBs). Please refer to all prior Harbor Island 104e responses submitted by Mobil Oil Corporation and/or Todd Shipyard for any additional information.

**m. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances, pollutants, or contaminants which are or were used at the Subject Property.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Further, the term "Subject Property" as defined in the 104e request, is vague, ambiguous and subject to differing interpretations and not limited as to time.

Subject to these objections, ExxonMobil responds below.

ExxonMobil has conducted a diligent search of its records and has not found any records relating to oils, fluids for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances, pollutants, or contaminants used at the subject properties. We expect that the subject property likely used generic, typical lubricants. Please refer to question 1.e for general site operations.

**n. Provide any Subject Property drainage descriptions plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to each sanitary sewer.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Further, the term "Subject Property" as defined in the 104e request, is vague, ambiguous and subject to differing interpretations and not limited as to time.

Subject to these objections, ExxonMobil responds below.

ExxonMobil has conducted a diligent search of its records and has not found any records relating to sanitary sewer records. We expect that the subject properties' current operators may have sanitary records.

**o. With respect to past activities or operations at each Subject Property, provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Subject Property. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spill Plans that may have been developed for different operations during Respondent's occupation of the Subject Property.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Further, the term "Subject Property" as defined in the 104e request, is vague, ambiguous and subject to differing interpretations and not limited as to time. ExxonMobil also objects as it ceased operations at Harbor Island by 1989.

Subject to these objections, ExxonMobil responds below.



ExxonMobil located a document that mentions "SPCC" from 1974. We expect that the subject properties' current operators may have current responsive records. Please refer to EM000507- EM000508.

**p. Describe each underground storage tank present at any time on a Subject Property, including but not limited to the size and location of the tank, the materials stored in the tank, the time period of use, whether any material leaked from the tank, the type and quantity of leaked material, and the response to the leaked material.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

The central upland parcel is believed to include in the central upland parcel, includes a small tank farm consisting of above-ground lube oil tanks, one oil/water separator, a truck loading rack, a small office building, and a pre-engineered warehouse structure. See Mobil Oil Corporation, February 20, 1987, 104e which states "two 1,000 gallon underground storage tanks used to store gasoline for company trucks were removed from the site in 1986 in the presence of the Seattle fire department. These were originally installed around 1965. At the time of their removal, these two tanks were tested and found to be tight. When they were removed there was no evidence of soil or water contamination. Two other underground tanks installed around 1965 were formerly used to store number 5 or number 6 fuel oil for on-site boiler. These were filled with slurry and abandoned in place about 1982. Personnel recall no leaks from these tanks."

Please refer to all prior Harbor Island 104e responses submitted by Mobil Oil Corporation or Todd Shipyard or the subject properties' current operators.

**q. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a description of the activities or operations they conducted while present at the Subject Property.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil responds below.

Please refer to all prior Harbor Island 104e responses submitted by Mobil Oil Corporation or Todd Shipyard.

**r. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:**

**i. the U.S. Bankruptcy Court in which the petition was filed;**

**ii. the docket numbers of such petition;**

**iii. the date the bankruptcy petition was filed;**

**iv. Whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and**

**v. a description of the current status of the petition.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections, ExxonMobil Oil Corporation has never filed for bankruptcy.

**s. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous substances, pollutants, or contaminants, or transportation of hazardous substances, pollutants, or contaminants to or from, the Subject Property.**

ExxonMobil objects to this request to the extent it seeks information that is not within ExxonMobil's custody or control. Additionally ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to these objections ExxonMobil answers as follows.

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U.S. Claims & Superfund Advisor  
ExxonMobil Environmental and Property  
Solutions Company

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832 624 6956 Tel  
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## **2. Financial Information**

**a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2015, 2016, 2017, 2018, and 2019. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.**

ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA. ExxonMobil further objects to any requirement to produce documents or information already in the possession of a governmental agency, documents available through the public domain, documents previously provided to EPA or general industry practices. Such requirement is duplicative and, therefore, unnecessary and burdensome.

Subject to these objection, ExxonMobil responds below.

ExxonMobil Oil Corporation's tax records are publicly available.

EXXONMOBIL OIL CORPORATION  
a New York corporation  
Federal Tax Identification Number: 13-5401570

**b. Provide Respondent's financial interest in, control of, or that Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in the federal tax returns or other financial information to be presented to the EPA. If there are such assets, identify each asset by type of asset, estimated value, and location.**

ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority

under CERCLA. ExxonMobil further objects to any requirement to produce documents or information already in the possession of a governmental agency, documents available through the public domain, documents previously provided to EPA or general industry practices. Such requirement is duplicative and, therefore, unnecessary and burdensome.

**a. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:**

- i. a general statement of the nature of relationship, indicating whether the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of Respondent's business operations at the Subject Property;**
- ii. the dates such relationship existed;**
- iii. the percentage of ownership of Respondent that is held by such other entity(ies);**
- iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;**
- v. providing any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of Respondent associated with the Subject Property or the EWOU; and**
- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.**

ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to this objection, ExxonMobil Oil Corporation is owned by Mobil Corporation.

### **3. Insurance Coverage**

**a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Subject Property or EWOU and/or Respondent's**

**business operations (including, but not limited to, Comprehensive General Liability, Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup and include the years such policies were in effect.**

**b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:**

- i. the name and address of each insurer and of the insured;**
- ii. the type of policy and policy numbers;**
- iii. the per occurrence policy limits of each policy; and**
- iv. the effective dates for each policy.**

**c. Identify all insurance brokers or agents who placed insurance for Respondent at any time during the period being investigated, as identified at the beginning of this request and identify the time period during which such broker or agent acted in this regard.**

**d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of Respondent under any insurance policy in connection with the Subject Property or EWOU. Include any responses from the insurer with respect to any claims.**

**e. Identify any previous settlements with any insurer in connection with the Subject Property or EWOU, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by Respondent or insurer.**

**f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.**

**g. Identify Respondent's policy with respect to document retention.**

ExxonMobil objects to the question as overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of CERCLA and therefore exceeds EPA's statutory authority under CERCLA.

Subject to this objection, ExxonMobil Oil Corporation is self-insured.

#### **4. Compliance with This Request**

**a. Describe all sources reviewed or consulted in responding to this Request, including, but not limited to:**

**i. the name and current job title of all individuals consulted; and**

Susan L. Anglin  
U.S. Claims & Superfund Advisor  
ExxonMobil Environmental and Property  
Solutions Company

Ramon L. Echevarria II  
Senior Counsel – Environmental and Safety Law  
Exxon Mobil Corporation

Marlon P. Santos  
Paralegal – Environmental & Safety Law  
Exxon Mobil Corporation

**ii. the location where all documents reviewed are currently kept.**

ExxonMobil Houston Records Center  
15425 International Plaza Drive  
Houston, Texas 77032

Exxon Mobil Corporation  
22777 Springwoods Village Parkway  
Spring, TX 77389

Freedom of Information Act Request EPA-R10-2020-005185  
United States Environmental Protection Agency – Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

#### **GENERAL OBJECTIONS**

ExxonMobil, as set forth in the preceding pages and the attachment hereto, is providing to EPA the information readily available to ExxonMobil. Moreover, ExxonMobil is willing to provide any additional specific information requested by EPA in compliance with CERCLA to the extent that it is relevant and reasonably available. However, both ExxonMobil's response and any future information it may provide are subject to the following objections (hereafter the "General Objections"):

1. The 104(e) Request is arbitrary and capricious, an abuse of discretion, or not otherwise in accordance with law. As set forth above, CERCLA Section 104(e)(1) allows EPA to seek information to enforce CERCLA and to determine the need for, to choose, or to take a response action.
2. The 104(e) Request uses undefined terms, is excessively broad, vague, ambiguous, irrelevant, unduly burdensome, and not reasonably calculated to lead to information that can be legally obtained under Section 104(e), and therefore exceed EPA's statutory authority under CERCLA and contravenes ExxonMobil's constitutional rights. In responding to these requests, ExxonMobil relies on the definition of these terms as they are commonly used (i.e., their dictionary definitions).
3. ExxonMobil asserts all applicable privileges and protections it has with regard to EPA's enumerated inquiries including the attorney-client privilege, the attorney work product doctrine, materials generated in anticipation of litigation, and privileges for materials which are proprietary, company confidential, or trade secret.
4. The Request is overly broad and unduly burdensome in that it seeks information or documents regarding facilities after known operations or relevant time period. As such, each of these requests exceeds EPA's statutory authority under CERCLA and contravenes ExxonMobil's rights.
5. ExxonMobil objects to the requirement to provide the source of the information, which is beyond the scope of USEPA's authority as set forth in 42 U.S.C. § 9604(e), and because such information is burdensome to collect and often not known.
6. ExxonMobil objects to any requirement to produce documents or information already in the possession of a government agency, already in the public domain, or previously provided to EPA. Such requirement is duplicative and, therefore, unnecessary and burdensome.
7. ExxonMobil disavows any obligation to supplement these responses on an ongoing basis. Notwithstanding the foregoing, if more information is desired, ExxonMobil is willing to provide additional information if specifically requested by EPA in the future and in compliance with CERCLA provided that the information is relevant, reasonably available, has not already been provided, and is not otherwise subject to these objections.
8. EPA's definition of "Respondent" in its information Request are overly broad and it is not possible for ExxonMobil to answer questions on behalf of all persons thereby defined.
9. ExxonMobil objects to the Request to the extent it seeks trade secrets or other confidential business information.

Notwithstanding and without waiving these objections, and subject to them, ExxonMobil has prepared the foregoing response based upon the information available to it. Where questions or definitions are vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 104(e) of CERCLA, ExxonMobil is making appropriate and reasonable efforts to provide responsive information based on ExxonMobil's interpretation of the Request. To the extent that information submitted herein is not required by law or is otherwise outside the scope of EPA's 104(e) authority, that information is voluntarily submitted. ExxonMobil waives no rights or protection of information it voluntarily submits.

Submitted on September 30, 2020.

Sincerely,

  
Susan L. Anglin